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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,148	06/14/2002	Mark A. Kappel	126071	3244

27256 7590 03/31/2003

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EXAMINER
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DUVERNE, JEAN F

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 10/064,148	Applicant(s) Mark et al
Examiner Jean Duverne	Art Unit 2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jul 9, 2002

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) 19 and 20 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-18, drawn to a connector assembly, classified in class 439, subclass 709.
  - II. Claims 19-20, drawn to imaging system with a detector, classified in class 385.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the imaging system with the detector, and the data acquisition . The subcombination has separate utility such as transmitting signal.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Kevin G. Mierzwa on 3/20/2003 a provisional election was made with traverse to prosecute the invention of I, claims 1-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19-20 are withdrawn

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from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(l).

#### **DETAILED ACTION**

##### ***Claim Rejections - 35 U.S.C. 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-6, and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitra et al (US patent US005478248A).

Mitra's device discloses a connector assembly for a circuit board (see figs. 1-3) comprising a back plane shell having guide channel at 21, alignment ribs and retraction features (see attachment), a housing at 4 or 9 having guide arm at 2 or 22 extending therefrom, the guide arm is sized to be receive in the guide channel to align the back shell and the housing during the

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assembly with snapping features. The retraction is also integrally molded with the back shell. The connector assembly comprises a multiple carriers (see fig. 1)

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitra et al (US patent US005478248A).

Mitra's device discloses the aforementioned limitations, but fails to explicitly disclose the retraction features with the cup shape. It would have been obvious matter to meet design or specification choice to use the retraction features with the cup shape, since such modification would have involved a mere change in shape of a component. A change in shape is generally recognizing as being within the level of ordinary skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1976).

Claims 7-11, 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Mitra et al (US patent US005478248A) in view of Mouisie (US patent 4,169,642).

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In regard to claims 7, Mitra's device discloses the aforementioned limitations, but fails to explicitly disclose the use of a flex circuit in the multi-boards connection. Mouissie's device discloses the use of a flex circuit (7) in the multi-boards connection. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use flex circuit in the multi-boards connection such as the one taught in Mouissie's structure for improving the interconnection of Mitra's device.

In regard to claims 8-9, 11, 18, Mitra's device discloses the aforementioned limitations, but fails to explicitly disclose the use of an interposer. Mouissie's device discloses the use of an interposer at 6 inserted between the boards. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use an insertion device or an interposer to make connection between the board such as the one taught in Mouissie's structure for improving the interconnection of Mitra's device.

In regard to claims 10, Mitra's and Mouissie's devices disclose the aforementioned limitations, but fails to explicitly disclose the formation the back shell as dust shield. Nevertheless base on the structure of the back shell, it is capable of being used a dust shell.

### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner

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should be directed to Jean Duverne whose telephone number is (703) 305 - 0297 . The examiner

can normally be reached from 8:30 to 4:30.

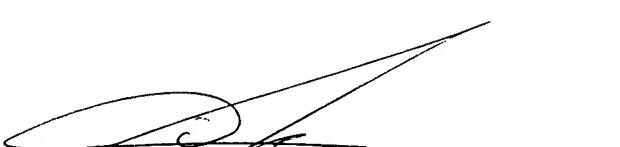
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Lynn Feild, can be reached on (703)308-2710. The fax phone number for this Group is (703) 308 - 7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

JFD

March 22, 2003  
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Jean F. Duverne

Patent Examiner, Art Unit